

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In Re: AUTOMOTIVE PARTS ANTITRUST LITIGATION	Master File No. 12-md-02311 Honorable Marianne O. Battani
In Re: HEATER CONTROL PANELS CASES	2:12-cv-00401-MOB-MKM
THIS RELATES TO:  All Direct Purchaser Actions	

**DENSO’S MOTION TO SET AN EXPEDITED BRIEFING AND HEARING  
SCHEDULE ON ITS MOTION TO COMPEL DISCOVERY RESPONSES FROM  
TIFFIN MOTOR HOMES, INC. AND DPP’S MOTION FOR A  
PROTECTIVE ORDER REGARDING DEPOSITION OF TIM TIFFIN**

PLEASE TAKE NOTICE that, by its counsel listed below, Defendants DENSO Corporation and DENSO International America, Inc. (collectively, “DENSO”) respectfully move this Court pursuant to Local Rule 1.2 for an Order setting an expedited briefing and hearing schedule on *DENSO’s Motion To Compel Discovery Responses From Tiffin Motor Homes, Inc.* (ECF Nos. 168, 169), and on *Direct Purchaser Plaintiff’s Motion For A Protective Order Regarding Deposition of Tim Tiffin* (ECF Nos. 160, 161).

DENSO seeks the following schedule governing its *Motion To Compel Discovery Responses From Tiffin Motor Homes, Inc.* to expeditiously resolve this dispute:

- Tiffin will file any opposition by Wednesday, June 13, 2018.
- DENSO will file any reply by Friday, June 15, 2018.
- The hearing on DENSO’s motion will take place at a hearing before the Special

Master currently scheduled on Monday, June 18, 2018.

DENSO also seeks the following schedule governing *Direct Purchaser Plaintiff's Motion For A Protective Order Regarding Deposition Of Tim Tiffin* to expeditiously resolve this dispute:

- DENSO will file any opposition by Monday, June 11, 2018.
- Tiffin will file any reply by Friday, June 15, 2018.
- The hearing on Tiffin's motion will take place at a hearing before the Special

Master currently scheduled on Monday, June 18, 2018.

Local Rule 1.2 states “[f]or good cause shown . . . any Judge of this Court may temporarily suspend the operation of the Rules.” E.D. Mich. L.R. 1.2. Good cause exists for granting the relief sought by DENSO. DENSO seeks an expedited briefing schedule on both of the above-referenced motions based on its understanding that the Special Master has already scheduled discovery hearings on June 18, 2018, is available hear these motions on that date, and that his next available time slot for hearings on these motions is August 6, 2018. Both of these motions concern discovery that DENSO has sought from DPP Tiffin Motor Homes, Inc. (“Tiffin”) in the *Heater Control Panels Case*. Without an expedited briefing schedule, the hearings on these motions will not be held until one month before fact discovery closes in the *Heater Control Panels* case on September 10, 2018.<sup>1</sup> Even assuming that the Special Master would be able to rule on these motions at the time of an August 6, 2018 hearing, if the outcome of these motions requires Tiffin to produce additional written discovery, or make available additional witnesses for depositions, it will take time for Tiffin to take these steps, and DENSO will need sufficient time before the end of the discovery period to conduct any follow-up

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<sup>1</sup> See Stipulation and Order, Heater Control Panels Discovery Plan and Class Certification Schedule, No. 2:12-cv-00401, ECF No. 149 (Apr. 5, 2018).

discovery. A hearing on August 6, 2018 will not afford sufficient time for the parties to complete this discovery before the September 10th discovery deadline. And if either party were to appeal a discovery order issued on August 6, 2018 to Judge Battani, briefing on such an appeal would not be finished until after the close of discovery. *See* Fed. R. Civ. P. 53(f)(2).<sup>2</sup>

Furthermore, an additional 30(b)(1) deposition of Tiffin employee Paul Williams is already scheduled to take place on July 23, 2018 in Birmingham, Alabama. Permitting these motions to be resolved prior to that date may allow the parties to schedule any additional depositions of Tiffin concurrently with the deposition of Mr. Williams. This would save counsel on both sides the time and expense that would be incurred by an additional trip to Alabama.

These short motions concern the straight-forward application of basic discovery rules. They do not require weeks of briefing. Swift resolution of these disputes is appropriate where DENSO has already been subjected to needless expense and delay because of DPPs' actions, necessitating its fifth motion to compel discovery in nine months.

As required by Local Rule 7.1(a), counsel for DENSO emailed counsel for DPPs on June 8, 2018 and explained the nature of this motion and its legal basis. but did not obtain concurrence.

Respectfully submitted,

WILMER CUTLER PICKERING  
HALE AND DORR LLP

June 8, 2018

By: /s/ Steven F. Cherry

Steven F. Cherry  
David P. Donovan  
Jennifer Rimm  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Avenue, NW

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<sup>2</sup> *See also* Order Appointing A Master, No. 2:12-md-02311, ECF No. 792 (Aug. 29, 2014), Part II(B).

Washington, D.C. 20006  
Tel.: (202) 663-6000  
Fax: (202) 663-6363  
steven.cherry@wilmerhale.com  
david.donovan@wilmerhale.com  
jennifer.rimm@wilmerhale.com

*Attorneys for Defendants DENSO Corporation  
and DENSO International America, Inc.*

Steven M. Zarowny (P33362)  
General Counsel  
DENSO International America, Inc.  
24777 Denso Drive  
Southfield, MI 48033  
Tel.: (248) 372-8252  
Fax: (248) 213-2551  
steve\_zarowny@denso-diam.com

*Attorney for Defendant DENSO International  
America, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 8, 2018, I caused the foregoing, **DENSO'S MOTION TO SET AN EXPEDITED BRIEFING AND HEARING SCHEDULE ON ITS MOTION TO COMPEL DISCOVERY RESPONSES FROM TIFFIN MOTOR HOMES, INC. AND DPP'S MOTION FOR A PROTECTIVE ORDER REGARDING DEPOSITION OF TIM TIFFIN**, to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Steven F. Cherry

Steven F. Cherry  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006  
Tel.: (202) 663-6000  
Fax: (202) 663-6363  
steven.cherry@wilmerhale.com

*Counsel for DENSO Corporation and DENSO  
International America, Inc.*